

JOURNAL OF THE HOUSE.

Thursday, July 3, 2008.

Met according to adjournment, at ten o'clock A.M., with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Statement of Representative Atkins of Concord.

A written statement of Ms. Atkins of Concord was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that as a result of my absence from the State House on June 30, 2008 and a portion of July 1, 2008, due to a medical emergency, I was unable to be recorded on roll call votes during that time. Had I been present, I would have voted in the affirmative on roll call numbers 398, 399, 400, 401 and 403.

Statement Concerning Representative Fallon of Malden.

A statement of Mr. Murphy of Burlington concerning Mr. Fallon of Malden was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Fallon of Malden, will not be present in the House Chamber for today's sitting due to illness. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement of Representative Walz of Boston.

A statement of Ms. Walz of Boston was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for the sitting of Monday, June 30, due to my attendance at a Democratic Leadership Council meeting in Chicago, Illinois. Any roll calls that I missed that day was due entirely to the reason stated.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Messrs. Koczera of New Bedford, Cabral of New Bedford, Canessa of New Bedford and Quinn of Dartmouth) congratulating Simone Bourgeois on the occasion of her retirement;

Resolutions (filed by Messrs. Koczera of New Bedford, Cabral of New Bedford, Canessa of New Bedford and Quinn of Dartmouth) congratulating Arthur Dutra on the occasion of his retirement; and

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Resolutions (filed by Mr. Turner of Dennis) congratulating Keith D. Jasie on receiving the Eagle Award of the Boy Scouts of America;

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Koczera, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Garballey of Arlington, petition (accompanied by bill, House, No. 4936) of Sean Garballey (by vote of the town) that the town of Arlington be authorized to grant additional licenses for the sale of alcoholic beverages to be drunk on the premises; and

By Mr. Naughton of Clinton, petition (accompanied by bill, House, No. 4937) of Harold P. Naughton, Jr., and Karyn E. Polito (by vote of the town) that the town of Northborough be authorized to issue an additional license for the sale of alcoholic beverages to be drunk on the premises to Korean-BBQ Kitchen;

Severally to the committee on Consumer Protection and Professional Licensure.

By Mr. Garballey of Arlington, petition (accompanied by bill, House, No. 4938) of Sean Garballey (by vote of the town) relative to affordable housing covenants in the town of Arlington. To the committee on Housing.

By the same member, petition (accompanied by bill, House, No. 4939) of Sean Garballey (by vote of the town) that the town of Arlington be authorized to establish the Arlington Redevelopment Board;

By Mr. Guyer of Dalton, joint petition (accompanied by bill, House, No. 4940) of Denis E. Guyer and Benjamin B. Downing (by vote of the town) for legislation to provide for the appointment of a treasurer and tax collector in the town of Becket;

By Mr. Linsky of Natick, petition (accompanied by bill, House, No. 4941) of David Paul Linsky (by vote of the town) relative to the water commissioners of the town of Sherborn;

By Mr. Perry of Sandwich, petition (accompanied by bill, House, No. 4942) of Jeffrey Davis Perry (by vote of the town) that the town of Sandwich be authorized to lease certain land at Sandwich High School;

By Mr. Miceli of Wilmington, petition (accompanied by bill, House, No. 4943) of James R. Miceli (by vote of the town) that the town to Tewksbury be authorized to lease certain land at Tewksbury Hospital;

By Ms. Polito of Shrewsbury, petition (accompanied by bill, House, No. 4944) of Karyn E. Polito and others (by vote of the town) relative to the town manager in the town of Westborough; and

By Mr. Toomey of Cambridge, petition (accompanied by bill, House, No. 4945) of Timothy J. Toomey, Jr., and others (with the approval of the city council) authorizing a long term lease between the city of Cambridge and the Mount Auburn Memorial Post No. 8818, Veterans of Foreign Wars, Inc.;

Severally to the committee on Municipalities and Regional Government.

Severally sent to the Senate for concurrence.

Paper from the Senate.

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A Bill relative to pandemic and disaster preparation and response in the Commonwealth (Senate, No. 2775) (on Senate bill No. 2259), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Reports of Committees.

By Mr. Flynn of Bridgewater, for the committee on Bonding, Capital Expenditures and State Assets, on House, No. 4743, a Bill financing an accelerated structurally-deficient bridge improvement program (House, No. 4935) [Federal Grant anticipation notes: \$1,108,000,000.00--Special Obligation bonds: \$1,876,000,000.00]. Read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Rodrigues of Westport, for the committee on Consumer Protection and Professional Licensure, on a petition, a Bill relative to the town of Westwood to grant a license for the sale of wine and malt beverages at a food store, not to be drunk on the premises (House, No. 4832) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

At one minute after ten o'clock A.M., on motion of Mr. Pedone of Worcester (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at twenty-seven minutes after eleven o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Mr. DeLeo of Winthrop, for the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text of contained in Senate document numbered 2711) of the House Bill making appropriations for the fiscal year 2009 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for the interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4701), reported, in part, a Bill making appropriations for the fiscal year 2008 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4900) [Appropriations: \$28,232,753,474.00]. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Mr. Deleo then moved that the rules be suspended in order that the House might consider the report forthwith.

Pending the question on suspension of the rules, Mr. Peterson of Grafton asked asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

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Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 149 members were recorded as being in attendance. No. 409.

[See Yea and Nay No. 409 in Supplement.]

Therefore a quorum was present.

After remarks on the suspension of the rules, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 131 members voted in the affirmative and 19 in the negative.

[See Yea and Nay No. 410 in Supplement.]

Therefore the rules were suspended.

After debate on the question on acceptance of the report, the sense of the House was taken by yeas and nays, at the request of Mr. DeLeo of Winthrop; and on the roll call 133 members voted in the affirmative and 19 in the negative.

[See Yea and Nay No. 411 in Supplement.]

Therefore the report of the committee of conference was accepted. Sent to the Senate for concurrence.

Engrossed Resolve.

The engrossed Resolve providing for an investigation and study by a special commission relative to the establishment of a statewide law enforcement training program (see Senate, No. 1342, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed; and it was signed by the acting Speaker and sent to the Senate.

Emergency Measure.

The engrossed Bill making appropriations for the fiscal year 2009 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4900), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 33 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution and this also being a "loan" bill as defined by Section 3 of Article LXII of the Amendments to the Constitution); and on the roll call (Mr. Donato of Medford being in the Chair) 131 members voted in the affirmative and 19 in the negative.

[See Yea and Nay No. 412 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

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Subsequently a statement of Mr. Alicea of Charlton was spread upon the records of the House, as follows:

Mr. SPEAKER: I would like to call to the attention of the House the fact that I was not recorded on the previous roll call due to being on official business outside of the State House. Had I been present I would have voted in the affirmative.

Subsequently a statement of Mr. Flynn of Bridgewater was spread upon the records of the House, as follows:

Mr. SPEAKER: I would like to call to the attention of the House the fact that I was not recorded on the previous roll call due to being on official business outside of the State House. Had I been present I would have voted in the Affirmative.

Order.

On motion of Mr. DiMasi of Boston,--

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

Accordingly, without proceeding to consideration of the matters in the Orders of the Day, at twenty-three minutes after one o'clock P.M., on motion of Mr. O'Flaherty of Chelsea (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.

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